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## PLAINTIFFS' OPPOSITION:

JUL 26 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

I RODNEY SMITH THE PLAINTIFF IN THIS ACTION OBJECT TO ANY REQUEST SEEKING DISMISSAL. IN MY CONTENTION OF REQUEST FOR DISMISSAL I WOULD LIKE TO EXPRESS THAT I MET WITH DEFENDANTS ATTORNEY (LYNN G. STOCKER) JULY 5, 2011 FOR A DEPOSITION AT SANTA RITA COUNTY JAIL. DURING DEPOSITION I TESTIFIED UNDER OATH AND GAVE AN HONEST AND TRUE ACCOUNT OF THE EVENTS THAT TRANSPIRED THAT JULY 31, 2004 AND THE EVENTS PRECEEDING IT: REFERRING TO A NINE MONTH INCARCERATION I SERVED IN 2005-06 STEMING FROM THE EVENTS OF JULY 2004 FOR BATTERY OF A POLICE OFFICER THAT I NEVER BATTERED. AT DEPOSITION (JULY 5, 2011) I PRESENTED DEFENDANTS ATTORNEY WITH THE FIRST AND LAST NAMES OF (6) WITNESSES WHO WERE PRESENT AT TIME OF INCIDENT, ALONG WITH A WRITTEN STATEMENT OF ONE OF THE WITNESSES WHO CAN CONFIRM MY ACCOUNT OF EVENTS, AND WHOM WAS PRESENT ON SAID DATE. A COPY OF THAT WITNESS ACCOUNT WAS MADE AND RETURNED TO ME. I ALSO EXPRESS THAT A FULL COPY OF THE DEPOSITION HAS NOT BEEN DELIVERED INTO MY POSSESSION, BUT ONLY SNIPPETS THEREOF: BY MAIL I RECEIVED PAGES: 8-13, PAGES 74-77, AND PAGE 91 WITH GAPS BETWEEN THE LISTED PAGES. AND AT NO TIME HAVE I BEEN GIVEN THE OPPORTUNITY TO READ SAID DEPOSITION OR TO MAKE CORRECTIONS TO IT AS REPORTED BY WENDY BROWN, A REP OF PATRICIA CALLAHAN, WHO CLAIMS TO BE A DISINTERESTED PARTY. ALSO IN LIGHT OF OPPOSITION.



TO DISMISS I REFUTE DEFENDANTS CLAIMS TO BE  
PARDONED BY THE STATUTE OF LIMITATIONS; THIS SUIT  
HAS BEEN FILED WELL WITHIN THE LIMITS. AND WITH  
FULL REGARD TO THIS CIVIL ACTION BY WHICH A  
RELEVANT PORTION PERTAINS TO EVENTS THAT OCCURED  
AS RECENT AS 2005 AND EXTENDED TO 2006 WHICH  
IN ITSELF IS ANOTHER EXAMPLE OF A GROSS INJUSTICE  
THAT EXTENDED FROM INITIAL GRIEVANCES, AND UNDERLINE THE  
FORUM FOR VARIOUS CIVIL COMPLAINTS. THEREFORE I HEREBY  
PLEA THAT MY CLAIM BE UPHELD, AND THAT ALL REQUEST  
FOR DISMISSAL BE DENIED IN THE INTEREST OF JUSTICE.  
A COPY OF THIS DOCUMENT HAS ALSO BEEN FORWARDED  
TO THE OFFICE OF THE CLERK U.S. DIST. CT. NORTHERN  
DIST. OF CALIFORNIA.

RESPECTFULLY SUBMITTED

7/22/11

SELF ATTORNEY

RODNEY SMITH

Rodney J. Smith

5325 BRADDER BLVD

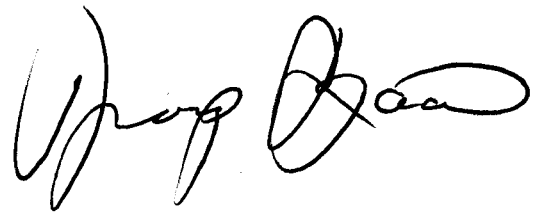
DUBLIN CA 94568

MY NAME IS JOSEPH BACA - AYA 286 AND I WAS A WITNESS TO THE ASSULT ON JAMAAR SMITH THAT OCCURED IN JULY, 2004 IN BUILDING (3) C-POD, I WAS THE POD WOKER FOR C-POD AND I WAS INSTRUCTED TO LOCK DOWN BY DEP. COOPER AT THAT TIME OBSERVED DEP COOPER AND ANOTHER DEPUTY WHICH WASN'T A ~~REGULAR~~ REGULAR COME BY SAID INDIVIDUALS CELL AND AT THE SAME TIME I ALSO OBSERVED THE PASS THREW DOOR BETWEEN C-POD - D-POD SLIGHTLY OPENED AT THAT TIME DEP. COOPER WENT TO JAMAAR'S CELL AND ASKED HIM "NOW WHAT WERE YOU SAYING" I THEN ~~HEARD~~ HEARD JAMAAR STATE "WHY YOU KEEP ON FUCKING WITH ME" AND THEN I HEARD DEP. COOPER KEY HIS DOOR AND STATE "WHY DONT YOU COME OUT HERE AND STATE THAT" AND AS ~~COON~~ SOON AS JAMAAR CAME OUT OF HIS CELL DEP COOPER THEN TRIED TO SWEEP JAMAAR OFF HIS FEET WHICH WAS OF NO AVAIL, WHEN THAT HAD HAPPEND ABOUT (6) SIX OTHER DEPUTYS CAME FROM THE PASS THREW DOOR AND BEGAN THE ASSULT ON JAMAAR, IN WHICH FROM MY OBSERVATIONS JAMAAR DID IN FACT COMPLY WITH ALL ORDERS AND EVERYBODY WAS YELLING "YOU AINT GOT TO DO HIM LIKE THAT" FROM US SAYING THAT AFTER THEY TOOK HIM OUT OF THE POD, AND THEN THE CONTROL BOOTH THEN CLOSED THE SLIDER.

AFTER THEY I GUESS THEY SECURED JAMAAR THEY ALL CAME BACK AND SHOOK DOWN THE WHOLE LOWER TIER, AND AFTER THEY (DEPUTYS) LET US BACK IN OUR PODS (CELLS) THE

DUPUTY'S WERE BOASTING "YEAH ANY ONE ELSE HAVE ~~BEEN~~ ANYTHING TO SAY" AND HOW I SEEN AND WITNESSED THIS WHOLE SITUATION IS BECAUSE I WAS IN THE NEXT TO THE LAST CELL ON THE LOWER TEIR IN C-POD BUILDING 3. THIS IS MY TRUE AND HONEST WITNESS STATEMENT

JOSEPH BACA - AYA-286

A handwritten signature in black ink, appearing to read "Joseph Baca". The signature is stylized with a large, looping "J" and a cursive "Baca".

CERTIFICATE

I, the undersigned, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place therein stated; that the testimony of said witness was reported by me, a disinterested person, and was thereafter transcribed under my direction into typewriting; that the foregoing is a full, complete and true record of said testimony; and that the witness was given an opportunity to read and, if necessary, correct said deposition and to subscribe to the same.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing deposition and caption named, nor in any way interested in the outcome of the cause named in said caption. Executed this 5th day of July, 2011.

  
CERTIFIED SHORTHAND REPORTER  
NO. 5697



Rodney J. Smith # BCD323  
5325 Broden Blvd.  
Dublin, CA 94568

10/2/09



US DIST. CT. N. CALIFORNIA  
350 GOLDEN GATE AVE. BOX 36000  
SAN FRANCISCO, CA 94102



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